IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER Nos 140 & 141 of 2001
with
APPEAL FROM ORDER Nos 328 & 329 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GOPAL NON TRADING ASSOCIATION THRO' CHAIRMAN
Versus
UDAYAN INDRAVADAN MEHTA

Appearance:
1. Appeal from Order No. 140 of 2001
MR AMAR N BHATT for Appellant No.
HL PATEL ADVOCATES for Respondent No. 1
MR UNMESH D SHUKLA for Respondent No. 2
RULE SERVED for Respondent No. 3-5

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 07/02/2005

ORAL JUDGEMENT

1. In view of the letter dated 3rd February, 2005 received from his client, Mr. Shukla learned advocate appearing for respondent no. 2 in Appeal from Order Nos. 140 & 141 of 2001 seeks permission to retire from the matter. Permission is granted. The said letter is ordered to be taken on the record.

2. This group of Appeal from Order arises against the order dated 28th February, 2001 being Notice of Motion below Exh. 5 & 6 in Civil Suit Nos. 6174 of 1998 & 6175 of 1998, whereby the learned Judge has disposed of the applications by issuing following directions :-

"The plaintiffs in both the suits are hereby directed to deposit balance consideration (excluding 15% additional sale price agreed in terms of para 8 of the sale agreement) on or before 31.3.2001 into this Court. If the amount is deposited within the stipulated time then ad-interim relief granted on 31-12-1998 and extended from time to time is made absolute till final disposal of the suit.

On the amount being so deposited, the parties shall move appropriate authority for compliance of the provision of Section 269UC of the Income Tax Act.

If the plaintiffs fail to comply with the directions contained in para 1 of this operative order then the ad-interim relief granted on 31.12.1998 shall stands vacated with effect from 1-4-2001.

After procuring requisite No Objection Certificate as provided under Section 269UC of the Income Tax Act, the parties would be at liberty to apply to the Court for appropriate arrangement of the balance consideration deposited in the Court for its proper investment so as to prevent loss of interest on the said amount."

2. While admitting the Appeals from Order No. 140 of 2001 & 141 of 2001, this Court in Civil Applications No.had granted interim relief, qua the order depositing the amount was stayed by this Court till the final disposal of the suits. Now, as status quo is operating, it would be appropriate to direct the parties to maintain status quo till the suits pending before the said Court

are finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suits while continuing the status quo granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit Nos. 6174 of 1998 & 6175 of 1998 pending before the Court of the learned City Civil Court, Ahmedabad as expeditiously as possible and preferably within a period of two years from the date of receipt of writ of this order.

5. With the above observations and directions, this group of Appeal from Orders stand disposed of. Parties are directed to maintain status quo till the said suits are finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]

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